

# **Responses to Questions Regarding the HEER Office RFP for Non-Emergency Environmental Support Services**

**December 27, 2004**

**1. Who is the incumbent contractor(s) and what has been the total contract amount obligated to date?**

The primary contractor is AMEC Earth and Environmental and the secondary contractor is The Environmental Company (TEC). The amounts expended are estimated to be as follows:

<u>YEAR</u>	<u>AMEC</u>	<u>TEC</u>
FY03	\$141,378	\$37,879
FY04	\$121,625	\$75,000
FY05	\$115,000	\$21,553 (partial year estimates)

**2. Who was the previous contractor and what was the total contract amount?**

The previous contractor was a company named Ogden, which was purchased by AMEC Earth and Environmental. Unfortunately, the total amount expended under the contract is not readily available. Also, those expenditures would have little bearing on amounts to be expended under the contract resulting from this RFP.

**3. What projects have already been identified and are anticipated to be awarded under this current contract?**

At this time, the HEER Office has not formulated specific projects. However, we anticipate approximately 2-3 brownfields environmental site assessments, other state response investigations, and a series of document reviews. Also, the HEER Office is currently in the process of planning its upcoming needs, which will help identify additional projects to be performed under this contract.

**4. Please confirm that the Primary Contractor will have the right of first refusal, and the cost will not be a factor in assigning the work to either the Primary or Secondary Contractor.**

Generally, the primary contractor will have the right of first refusal and cost will not be a factor in assigning work to the primary or secondary. However, DOH retains the right to challenge the primary contractor's capacity to conduct a project. In this case, the primary contractor would need to demonstrate its capacity to the satisfaction of DOH. Also, DOH reserves the right to negotiate the primary contractor's cost proposal for any particular project. To the extent that excessive costs reflect a lack of capacity on the part of the primary contractor, they may appear to be a factor in assigning work to the secondary contractor when the real issue is capacity. Quality work at a reasonable cost is one of DOH's key goals.

5. **Please clarify whether there will be any restrictions concerning the use of subconsultants and subcontractors. Will there be any requirement regarding the minimum percentage of work that must be done in-house by the Primary Contractor?**

There are no specific restrictions on the use of subconsultants and subcontractors. There will be no requirement regarding the minimum percentage of work that must be done in-house by the Primary Contractor. However, as indicated on page 19 of the RFP, "appropriate use of subcontractors to optimize responsiveness while avoiding over dependence on subcontractors," is part of the evaluation criteria.

6. **The RFP states that the subcontractors' qualifications and roles should be described, and the estimated percentage of assistance or subcontracting in relation to the Prime should be provided. However, the level of assistance cannot be known in advance of the work requests. Also, will the Prime have flexibility to use subcontractors who have not been identified in their proposal?**

While the specific level of assistance cannot be known in advance of the work requests, Offerors can provide a rough estimate of their reliance on subcontractors by assuming that approximately 75% of the work would involve items 1-7 in the scope of services as stated on page 8 of the RFP. Also, Offerors can describe the scope of their in-house expertise and the service areas for which they would need to use subcontractors. Yes, the Prime will have flexibility to use subcontractors who have not been identified in their proposal.

7. **What weight will be given to the subcontractors' qualifications in the proposal? With respect to the proposal content requirements in paragraph 7.3 of the RFP, will the subcontractors' qualifications be considered in the evaluation in paragraph 8.3.2?**

The qualifications, experience, technical abilities, and cost of subcontractors' provided pursuant to section 7.3.3 of the RFP will be considered along with that of the Offerors in evaluating the proposals and assigning a score in accordance with the criteria in section 8.3.2 of the RFP. Qualifications of the subcontractors will not be weighted differently or separately. Note that "appropriate use of subcontractors to optimize responsiveness while avoiding over dependence on subcontractors" is a rating factor.

8. **Please confirm that unless there is a legal Joint-Venture relationship between two or more companies in a teaming arrangement, the contracting relationship shall be that of Prime contractor and subcontractor(s).**

The RFP does not require a legal joint-venture relationship in a teaming arrangement. However, the proposal must describe the team arrangement and provide assurances that team members will be able to deliver the needed services smoothly and effectively. While a legal joint venture may not be required, DOH does expect a clearly articulated formal agreement among team members.

- 9. The Cost evaluation criteria in paragraph 8.3.2-3 indicate that reasonableness of schedule rates will be considered. Please define "reasonableness" of rates. Does DOH have a rate schedule that will be used as a guide? Does DOH require a minimum staffing level for the prime in a Hawaii-based office? If employees must be sent from a mainland office to support a work task, how will per diem costs be handled?**

DOH does not have a definition for "reasonableness" under this RFP and will not be using a particular rate schedule as a guide. "Reasonableness" will be judged on a comparative basis with the costs for similar services proposed by other Offerors. DOH does not require a minimum Hawaii-based staffing level for the prime. Once the contract is awarded, the contractor would include per diem costs in the cost proposals submitted in response to each work request from DOH. When approved by DOH, the per diem costs would become allowable expenses under the work assignment.

- 10. Please clarify how criteria (a) and (b) in the Cost evaluation criteria in paragraph 8.3.2-3 are to be assessed. Will the evaluation be based solely on the Sample Project Proposal? If not, what will be the basis for the evaluation? Also, will the prime be allowed to charge profit on the work performed by subcontractors/subconsultants? (Please note that some Hawaii government agencies do not allow a profit markup on sub consultants.)**

Criteria (a) Ability to assure that staff at the appropriate professional level are assigned to each task and (b) Ability to assure that billing is associated with the professional level required for the task, will be evaluated from the information provided by each Offeror in their proposal. If the criteria are not addressed specifically, then evaluations will be based, to the extent possible, on other information provided.

Responses related to cost will be based on the Sample Project Proposals, rate schedules, and other information provided by Offerors. Costs will also be judged relative to other proposals received. Finally, at their discretion, evaluators may request additional information if they believe it is necessary to properly evaluate a specific Offeror as stated in section 8.1 of the RFP.

Primes are allowed to include charges for work performed by subcontractors and subconsultants in their proposals. These charges should be clearly identified in the proposal. Offerors will be evaluated, in part, on these charges as they are included in the evaluation criteria on page 20, item 3f of the RFP.

- 11. The Non-Emergency Response Sample Project Proposal (Section 6.2) includes "a list of protocols and/or standard operating procedures suggested for use" (Item 2.e.). Is it permissible to cite generally accepted standards such as your TGM, EPA SOPs, ASTM standards, etc.? Or need we enumerate the protocols/procedures?**

It is not permissible to identify only these general sources for protocols and standard operating procedures (SOPS). Offerors should identify which protocols and SOPS they would follow. However, Offerors need not restate or reproduce the contents of these specific protocols and SOPS in their proposals.

**12. Section 7.3.2.1 indicates that prospective subcontractors must provide an original or certified copy of a tax clearance certificate issued by the Hawai'i State Department of Taxation. Does this mean that all potential subcontractors must be based in state?**

The requirement for a tax clearance certificate is not intended to mean that all subcontractors must be based in Hawaii. DOH understands that the clearance indicates that a firm does not owe State taxes and that firms not based in Hawaii can obtain a tax clearance form. However, subcontractors who have not done business in Hawaii may have to obtain a business license from the appropriate state department to do business in Hawaii.

**13. Section 3 discusses USEPA policy regarding solicitation of firms that qualify as SBE/MBE/WBE/DBE. One of our potential subcontractors, which does not qualify as any of the above, has a WBE subcontractor for one aspect of their work. This is one of the aspects of work for which we would subcontract to them. In this instance, would a subcontractor's subcontractor be adequate for complying with the EPA guidelines, or would we need to contract directly with the WBE?**

Assuming the Offeror could provide assurances that the WBE will receive the work, DOH would take the position that this arrangement is in compliance with EPA guidelines and that contracting directly with the WBE is not necessary.

**14. With respect to sample reports requested, is it correct that DOH wants only one hard copy of each sample report?**

Yes, this is correct. Each sample report should indicate clearly the name of the Offeror submitting the sample.

**15. Is it possible for the primary and secondary contractor to be of equal status and share the work under the contract?**

No, this arrangement is not possible under this procurement. DOH will observe the hierarchy defined in the RFP when assigning the work. Unless the primary contractor or DOH identifies a problem with capacity or conflict of interest, the primary contractor will receive the work.

**16. Is there a solicitation number for the current RFP for Non-Emergency Environmental Response Support Services?**

There is no number for this RFP solicitation. Please refer to it by the title Non-Emergency Environmental Response Services contract?

**17. RFP Page 7, second paragraph, third line: Please provide clarification on "(Department of Transportation Projects only)"**

Apparently, the federal requirement to encourage "disadvantaged business enterprises" (i.e. DBEs) applies only to Department of Transportation projects. Consequently, this would not be a concern for Offerors responding to this RFP.

**18. RFP Page 15, Section 7.3.3, fifth bullet: Please provide clarification on "(Section Four)"**

This is a typographical error. "Section Four" is a reference to the section in the RFP that describes the Scope of Services. The correct reference is to Section Five of the RFP.

**19. RFP Page 21, Exhibit A - Offeror's Form Letter, first paragraph: Please provide clarification on "Special Conditions".**

The reference to "General and Special Conditions" is to those conditions contained in the standard contract used for "Agreements for Goods and Services Based Upon competitive Sealed Proposals." The special conditions appear near the end of the document. A copy of this standard agreement has been posted to the HEER Office website.

File: my documents/contract non-emergency/rfp questions